



# THE ATTORNEY GENERAL OF TEXAS

Gerald C. Mann

~~RECORDED & INDEXED~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable J. D. Looney  
County Auditor  
Bowie County  
Boston, Texas

Dear Sir:

Opinion No. O-3748

Re: Should copies of birth and death  
certificates filed with the county  
clerk be filed and properly indexed,  
or should they be filed, recorded  
in full and indexed?

Your letter of June 23, 194, requesting an opinion of this department upon the above stated question has been received.

We quote from your letter as follows:

"We are interested in saving as much time and expense as possible in the operation of all offices in this county and would like to have your opinion as to the construction of the last paragraph of the recently amended law in regard to the record of births to be kept by the County Clerk and as shown in 'Sec. 20, or Rule 53a, of Art. 4477, R.C.S. 1936' of this law.

"The point in question is whether or not the copies of the records filed with the County Clerk should be filed and properly indexed or if they should be filed, and recorded in full, and indexed."

Rule 53a of Article 4477, Vernon's Annotated Civil Statutes, reads in part as follows:

". . . And provided further, that the Local Registrar shall submit to the commissioners' court or the county auditor, as the case may be, a true and accurate copy of each birth and each death certificate filed with him and such copies shall be deposited in the county clerk's office, and the county clerk shall be paid for indexing and preserving such records, such compensation as may be decided upon by the commissioners' court."

Rule 51a of Article 4477, Vernon's Annotated Civil Statutes, provides in part:

"That the State Department of Health shall prepare, print and supply to all Registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this Act, and each city and incorporated town shall print and supply its local registrar, and each county shall print and supply the county clerk with permanent record books, in form approved by the State Registrar, for the recording of all births and deaths occurring within their respective jurisdictions. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms shall be used than those approved by the State Department of Health."

It will be noted that Rule 51a of Article 4477, supra, specifically provides that each county shall print and supply the county clerk with permanent record books, in forms approved by the State Registrar, for the recording of all births and deaths occurring within their respective jurisdictions. Considering the two provisions of Article 4477, quoted above, it is apparent that it was contemplated by the Legislature that each county clerk should file, index and record in full a copy of each birth and death certificate deposited in his office by the commissioners' court in the permanent record books, in form approved by the State Registrar, for the recording of all births and deaths occurring within their respective jurisdictions.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Ardell Williams  
Ardell Williams  
Assistant

AW:lh:egw

APPROVED JUL 9, 1941  
/s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved Opinion Committee  
By BWB Chairman